

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 08-209V
(Not to be Published)

BRET KREIZENBECK *and*
SANDRA KREIZENBECK *as legal*
representatives of a minor child, C.J.K.,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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Filed: October 19, 2015

Decision by Stipulation; Interim
Attorney's Fees and Costs

Richard Gage, Britcher, Richard Gage, P.C., Cheyenne, WY, for Petitioners.

Ann Martin, U.S. Dep't of Justice, Washington, DC, for Respondent.

INTERIM ATTORNEY'S FEES AND COSTS DECISION¹

On March 26, 2008, Bret and Sandra Kreizenbeck filed a petition, as legal representatives of a minor child, C.J.K., seeking compensation under the National Vaccine Injury Compensation Program.²

Petitioners' counsel filed a motion on August 17, 2015, requesting reimbursement for interim attorney's fees and costs. ECF No. 83. The parties have now filed a stipulation regarding interim attorney's fees and costs. Stipulation of Fact Concerning Attorneys' Fees & Costs, dated

¹ Because this decision contains a reasoned explanation for my actions in this case, I will post it on the United States Court of Federal Claims website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (Dec. 17, 2002) (current version at 44 U.S.C. § 3501 (2014)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the published decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the whole decision will be available to the public. *Id.*

² The National Vaccine Injury Compensation Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (codified as amended at 42 U.S.C. § 300aa-10 through 34 (2012)).

Oct. 19, 2015 (ECF No. 92). The parties agree that Petitioners' counsel should receive attorney's fees in the amount of \$81,000, and Petitioners should receive \$250 in reimbursement of personal costs. These sums represent amounts to which Respondent does not object.

I approve the requested amount for interim attorney's fees and costs as reasonable, given the history of this matter. Accordingly, (a) an award of \$81,000 should be made in the form of a check payable jointly to Petitioners and Petitioners' counsel, Richard Gage, Esq., and (b) an award of \$250 should be made in the form of a check payable to Petitioners. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

/s/ Brian H. Corcoran

Brian H. Corcoran

Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.